IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2352 OF 2004

Abdul Rehman Budhani. ...Petitioner.
Vs.
Maharashtra Housing & Area Dev.
Authority and Ors. ...Respondents.

....

Ms. Usha Purohit for the Petitioners.
Mr.G. W. Mattos, AGP for the Respondents.

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

November 5, 2004.

P.C.:

We have heard the learned counsel appearing for the parties at length and we have also perused the affidavit filed by Yeshwant Jagannath Patil, Estate Manager-II, Mumbai Housing and Area Development Board and the other affidavit of Ravindra Govind Karkhanis, Director (Marketing), Mumbai Housing & Area Development Board. In the affidavit filed by Yeshwant Jagannath Patil, it is stated that the Respondents did not execute warrant for almost three years only to enable the Petitioner to pay the sum that was due and payable by him in respect of writ tenement. It was only on 2nd August 2004 that the Respondents took possession of the writ tenement under the warrant of possession, after the Petitioner failed to pay the said amount. In the affidavit, it is also

mentioned that in pursuance to the advertisement issued by the Respondents, the new allottee of the writ tenement has already paid to the Respondents 25% of the total cost of the writ tenement as per the present rate. In this view of the matter, it is difficult to grant substantive relief to the Petitioner. However, it is submitted that the petitioner has already deposited Rs.16 lakhs with respondent No.1. Subject to verification of record, after adjusting the economic rent at Rs.22/- per sq.ft., the remaining amount shall be paid to the Petitioner within two weeks from today.

We make it clear that the Petitioner would be at liberty to move the Court in case, the Court arrives ultimately at any figure which is less than Rs.22/- per sq.ft., in that event the balance amount shall be paid to the Petitioner within two weeks thereafter.

The Petitioner would be entitled to remove his articles, documents, possessions within one week. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.